IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO :7156 of 2006

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Dated: 17th April 2006.

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Between:

The District Educational Officer, Chittoor District and others

..... PETITIONERS

AND

T.Padmaja and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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W.P.NO.7156 OF 2006

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed challenging the order in O.A.No.6331 of 2004, dated 22-11-2004 on the file of the Andhra Pradesh Administrative Tribunal.

The writ petition is presented on 10-04-2006, i.e., after almost 1½ year from the date of the pronouncement of the order of the Tribunal. No explanation, whatsoever, is to be found. On the other hand, it is stated in the affidavit filed in support of the petition, at para 8, as follows:

> " xxxxxx. I submit that the understanding of the respondents and the Hon'ble A.P.A.T is that the cases of the respondents have to be considered for promotion as on 21-10-2002 eventhough they did not qualify and produced relevant certificates as on that date. In view of the above all proceedings and the understanding of the Hon'ble A.P.A.T, we were constrained to approach this Hon'ble court. In view of the facts and circumstances stated supra, we are approaching this Hon'ble court lately and the delay in approaching this Hon'ble court is neither intentional nor wanton. I submit that unless this Hon'ble court condone the delay in approaching this Hon'ble court, we will be put to irreparable loss and grave hardship."

In substance what the petitioners say is that they understood the order under challenge in a particular way and the respondents understood it in a different manner. Consistent with their understanding, the respondents, it appears, approached the Tribunal by way of contempt petition and it is the initiation of the contempt proceedings that prompted the filing of the present writ petition. If the petitioners believe that their understanding of the order under challenge is tenable in law, nothing prevented them from contesting the contempt proceedings. If it is not tenable, they have to necessarily take the consequences. The explanation such as the one sought to be given in the affidavit that due to wrong

understanding of the order of the Tribunal, they could not come to the Court in time, is no explanation to condone the delay and would not be in the public interest to accept such an explanation, because if such explanation is accepted, in every case, wherever the State does not want to implement the orders of the Judicial Bodies, can sit pretty on the orders until contempt proceedings are initiated and come forward with a similar explanation. We do not consider it right to accept such an explanation.

In the circumstances, the writ petition is, therefore, dismissed at the stage of admission.

J.Chelameswar, J

M.Venkateswara Reddy, J

mrk

17th March 2006.